

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 MATTHEW SARABIA,

4 Plaintiff

Case No. 3:20-cv-00199-MMD-WGC

**ORDER**

5 v.

6 WARDEN WILLIAM GITTERE, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 On April 1, 2020, Plaintiff, an inmate in the custody of the Nevada Department of  
11 Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed  
12 an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to  
13 proceed *in forma pauperis* is incomplete.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
16 action without prepaying the \$350 filing fee. To apply for *in forma pauperis* status, the  
17 inmate must submit all three the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
19 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on  
20 page 3),

21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
22 official (i.e. page 4 of this Court's approved form), and

23 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
24 **previous six-month period**.

25 Plaintiff has not submitted to the Court a current Financial Certificate or a prison  
26 account statement for the previous six-month period. (ECF No. 1). Plaintiff's Financial  
27 Certificate is dated April 15, 2019 and Plaintiff's prison account statement is for the period  
28 October 16, 2018 to April 15, 2019. Accordingly, the Court denies Plaintiff's application

1 to proceed *in forma pauperis* (ECF No.1) without prejudice because the application is  
2 incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete  
3 application to proceed *in forma pauperis* containing all three of the required documents.  
4 Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before  
5 **June 1, 2020**. Absent unusual circumstances, the Court will not grant any further  
6 extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in*  
7 *forma pauperis* with all three required documents on or before **June 1, 2020**, the Court  
8 will dismiss this case without prejudice for Plaintiff to file a new case with the Court when  
9 Plaintiff is able to acquire all three of the documents needed to file a fully complete  
10 application to proceed *in forma pauperis*. To clarify, a dismissal without prejudice means  
11 Plaintiff does not give up the right to refile the case with the Court, under a new case  
12 number, when Plaintiff has all three documents needed to submit with the application to  
13 proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to  
14 proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before **June 1,**  
15 **2020** to proceed with this case. The Court will retain Plaintiff's civil rights complaint (ECF  
16 No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully  
17 complete application to proceed *in forma pauperis* with all three documents or pays the  
18 full \$400 filing fee.

## 19 **II. CONCLUSION**

20 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
21 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
22 application to proceed *in forma pauperis* with all three documents.

23 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
24 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
25 document entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that on or before **June 1, 2020**, Plaintiff will either pay  
27 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
28 administrative fee) or file with the Court:

- 1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
2 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
3 signatures on page 3),  
4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
5 official (i.e. page 4 of this Court's approved form), and  
6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
7 **previous six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
9 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
10 filing fee for a civil action on or before **June 1, 2020**, the Court will dismiss this action  
11 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
12 when Plaintiff has all three documents needed to file a complete application to proceed  
13 *in forma pauperis*.

14 It is further ordered that the Clerk of the Court will retain the complaint (ECF No.  
15 1-1) but will not file it at this time.

16 DATED: April 2, 2020

17 William G. Cobb  
18 UNITED STATES MAGISTRATE JUDGE  
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